

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DAVID LOPEZ-ANAYA

Plaintiff

vs

CIVIL 06-2085CCC

MRS. SONIA PALACIOS-DE-MIRANDA,  
Former Director of the Forfeiture Board of  
the Department of Justice of Puerto Rico;  
MRS. LIZETTE MEJIAS-AVILES, Sub  
Secretary of the Department of Justice of  
Puerto Rico;  
MRS. ALICE FONTANET, Human  
Resources Director of the Department of  
Justice of Puerto Rico;  
MR. MARIANO VAZQUEZ, Legal Advisor  
for the Secretary of Justice of Puerto Rico;  
MRS. REINA COLON-DE-RODRIGUEZ,  
Examiner of the Department of Justice of  
Puerto Rico;  
other unknown persons described as A, B,  
C and D

Defendants

**OPINION AND ORDER**

Before the Court is defendants' Motion in Limine filed on December 12, 2007 (**docket entry 97**), which plaintiff opposed (**docket entry 99**). Defendants seek the exclusion of Dr. Armando Hernández Marrero, whom, they contend, was never announced as a witness previous to the filing of the pretrial memorandum. In his response, plaintiff contends that this is incorrect for the following reasons:

3a. Defendants served the first interrogatory dated April 10, 2007 and also they served a request for production of documents. Plaintiff answered the request for the production of documents regarding to Dr. Armando Hernández, as follows and we quote: "the doctor who treated me for diabetes is Dr. Armando Hernández whose address is....

4. Also, in paragraph 4 of Answer to Request for Production of Documents plaintiff states as follows and we quote: "my medical psychiatric record will be delivered to you when my doctor gives me a copy to me. Also, a copy of my medical record for my treatment of diabetes will be mailed to you as soon as possible.

Inasmuch as plaintiff has neither quoted nor enclosed a copy of the specific wording of the request for production of documents from which he is quoting his answer, we find nothing in his answer to indicate that Dr. Hernández would be appearing as a witness. The

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only information he is providing is that Dr. Hernández treats him for diabetes, the physician's address and telephone number are given, and that a copy of plaintiff's medical record from that doctor would be mailed to defendants. Unless the question he was answering was asking for names and/or information regarding witnesses, there is nothing in plaintiff's answer that this doctor would be called to testify.

Accordingly, the Motion in Limine (**docket entry 97**) objecting to the appearance of Dr. Hernández as a witness is SUSTAINED.

SO ORDERED.

At San Juan, Puerto Rico, on September 30, 2008.

S/CARMEN CONSUELO CEREZO  
United States District Judge